



**The State of New Hampshire
Insurance Department**

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John Elias
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

**State of New Hampshire
Insurance Department**

In re Manchester Roofing Company, Inc. v. Berkley Net

Docket No.: 18-044-AP

FINAL DECISION and ORDER

Pursuant to the provisions of Ins 204.26(a)(4), the Proposed Decision and Order issued on December 18, 2018, by Hearing Officer James Fox is hereby ACCEPTED as a FINAL DECISION and ORDER, with the following MODIFICATION:

In Section I, (Introduction and Proposed Ruling), of the Proposed Decision and Order, in the second paragraph on page 1, additional information pertaining to documents submitted by Berkley Net after the hearing shall be included in that paragraph. As a result the second paragraph on page 1 is modified to read as follows:

A merits hearing was held on October 30, 2018. At the conclusion of the hearing, the record was left open to permit each side the opportunity to file written submissions and rebuttals. To that end, the

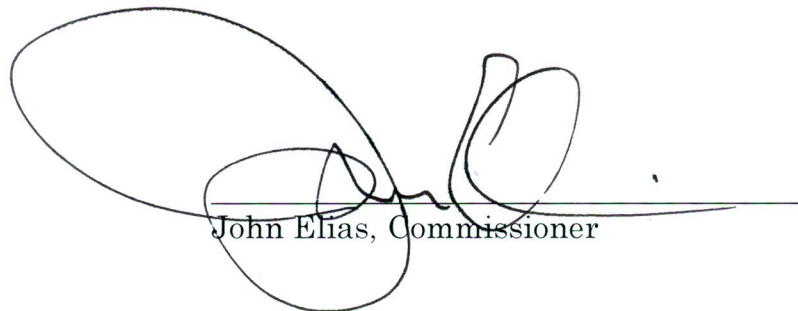
parties were each given ten business days to submit an initial memorandum and/or findings and rulings and then five business days to file rebuttals. As a result, all parties' initial submissions were due on November 13, 2018. In the afternoon of November 14, 2018, Berkley Net filed written submissions, via email, with the Department. On November 16, 2018, Manchester Roofing objected to Berkley Net's filing as untimely. In light of the order to submit initial submissions by November 13, 2018, Berkley Net's November 14, 2018 submission was not considered in rendering this decision. The record closed on November 20, 2018. All timely filed materials were considered in rendering this proposed decision, which was required under Ins 204.26(a)(1) to be delivered to the Commissioner no later than December 26, 2018.

This is the final action of the Department. You have the right to appeal by requesting reconsideration of this final action within 30 days in accordance with RSA 541.

SO ORDERED.

02/10/19

Date



John Elias, Commissioner